DOCUMENT RESUME

ED 021 585 LI 000 802

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REVIEW OF OHIO LIBRARY LAWS AND GOVERNING STRUCTURE OF BOARDS.

Spons Agency- Ohio State Library Board, Columbus.

Pub Date [67]

Note- 28p.; Report prepared as a part of the Study of Ohio Public Libraries and State Library Services (LI000568).

EDRS Price MF- $0.25 HC- $1.20

Descriptors- *FINANCIAL SUPPORT, *GOVERNING BOARDS, *GOVERNMENTAL STRUCTURE, *LAWS, LIBRARY PROGRAMS, LIBRARY STANDARDS, PROGRAM DEVELOPMENT, *PUBLIC LIBRARIES

Identifiers- *Ohio

This report is an interpretative review of the state laws and aspects of the general governing structure of Ohio public libraries that are important for development of a statewide library program in accordance with accepted professional standards. Library and municipal laws were analyzed, questionnaires were submitted to public libraries, and conferences held with appropriate individuals to determine (1) if the laws give libraries enough direct authority to carry out their responsibilities with dispatch, flexibility, and in conformity with library standards and (2) if the relation of general municipal statutes to library laws impairs library development. It was concluded that Ohio library laws are basically sound. However, improvements are suggested for several areas: school district mergers and library organization, association libraries, recodification, intangible tax, criteria for state aid, local budget commission, term of office for trustees, school service, certification of libraries, the county law library, and relationships with other public officials and governmental units. (JB)

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Review of Ohio Library Laws and Governing Structure of Boards

ERIC/CLIS
JUL 22'68
UNIVERSITY OF MINNESOTA

For

STUDY OF OHIO PUBLIC LIBRARIES
AND STATE LIBRARY SERVICES

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FEB 21 '68

Bureau of Public Affairs
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El Paso, Texas

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REVIEW OF OHIO LIBRARY LAWS AND GOVERNING STRUCTURE OF BOARDS

Submitted to Professor Ralph Blasingame
Graduate School of Library Science
as a part of the Study of Ohio
Public Libraries and State Library Services

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INTRODUCTORY STATEMENT

This report is an interpretive review of some of the state laws and some aspects of the general governing structure of public libraries in Ohio. Every effort has been made to note only those subjects which the writer believes are important for development of a statewide library program in conformity with accepted professional standards, and to avoid the detail which often obscures the real decisions, causes emotional conflicts, and in reality must be worked out on a gradual basis once the overall plan has been formulated. At least two subjects are noted because persons in the State indicated there was concern about them. In the interest of simplicity and highlighting the decisions that need to be made, various tables from the survey are not reproduced here but can be examined in a separate publication if one wants to study some of the analyses at greater length. The report reflects observations of one interested in and familiar with library development and actively involved for several years in legislative research.

Because public library service is rather sharply focused compared to many social services, the formal governing structure of libraries is relatively simple and quite similar in all states:

1. There is usually a governing board composed of individuals appointed by some other public body which directs the library program.

2. The board is semi-independent in fiscal powers from the city or county or school district which created it, but specific restrictions are usually set by statute.

3. The major source of revenue on a statewide basis is the property tax, but for individual libraries there are significant differences.

4. Some local public libraries are operated by school districts, in which case the school board may be the governing body with the library being considered another division of the total education program. Even if the school board appoints a library board it usually maintains a more direct interest in and control of the library program than such

other parent bodies as city and county commissioners. The reasons for school sponsorship vary, often being as much a function of local conditions as anything else.

5. Library boards usually employ a head librarian to supervise program activities, but marked differences are common in the formal structure of board-librarian relations even among libraries of the same size and in the same geographic area. The board may act only as a policy making organ with the administration and personnel supervision delegated to the head librarian in the classical sense. On the other hand, numerous examples can be cited where boards are active in administratio and in effect supervise in detail the implementation of their policies. This latter situation may arise for any number of factors, such as a strong board and weak librarian, employment of a non-professional librarian, historical demands by the community for board administration, or lack of knowledge by the board as to how it could use its own intellectual resources and time most efficiently.

This general pattern of the formal governing structure of public libraries is familiar to many Ohioans because it is a mirror of their system. As in any general pattern of local government, defects and variations in the "weaving" can be noted if it is subjected to microscopic examination. Whether they are significant or merely reflect normal differences caused by local self-control is difficult to determine. Particularly is this true for a local public educational service where every effort is made to allow maximum freedom of choice in developing a program in order to minimize the disadvantages of central controls. Moreover, there are community characteristics which dictate a deviation from any norm in all public services, particularly library services. The position in this report, therefore, is that differences among local units or between Ohio and any other state are not necessarily a cause of concern unless there is a gross distortion of the overall pattern or if the variations are not understood by the public concerned.

BASIC LAWS ARE SOUND

An analysis of library laws, the major object of this report, entails two separate examinations: (1) One is whether they give libraries enough direct authority to carry out their accepted responsibilities with dispatch and sufficient flexibility to adapt to local needs and preferences, and in accordance with accepted standards of efficiency. (2) The second examination is to relate these laws to general municipal statutes to see if the latter impair library development. As a local public service, it is almost universally recognized that libraries should operate as much as possible under general municipal laws (particularly with regard to fiscal controls) so that local governmental organization is kept as simple and under as direct popular control as possible. In making this kind of examination, one must recognize that defects can be found in nearly all laws. This characteristic is particularly true of the enabling statutes for a service like libraries which is changing rapidly. Many of these defects are minor, although a cause of personal administrative frustration, and should be corrected over a period of time. A general statewide plan of library development should be concerned only with those statutes that establish the general framework and authority.

From a review of the Ohio laws on libraries and municipal government in general, conferring with individuals in the state, and reviewing the results of the general questionnaires submitted by each library for the general survey, it is evident that the Ohio library laws are basically sound. For the most part, they are clear and simple and can be implemented relatively easily by any local community that wants to provide the most effective and efficient library service that is possible within the limits of its resources. Creation

of new libraries are controlled, intergovernmental cooperation is authorized, and the powers of library boards are very broad. The general controls over fiscal practices of all local governments are reasonable and common in one form or another in many states. While librarians and their boards may feel restricted by the general laws on budgeting, fiscal accounting, tax levies, and auditing, this writer found no major evidence that they impose undue hardship on a wide scale or are seriously discriminatory against libraries. In the absence of such evidence, it would be difficult to argue for any exceptions to the present laws for libraries at this time.

This general conclusion does not mean that improvements cannot be made in certain circumstances. For example, librarians should work in concert with other local and state public officials to be sure that the general administration by state agencies of the supervisory statutes on fiscal procedures aid in the development of a sound statewide program. Joint effort to work out acceptable procedures on budgeting, auditing, and tax laws, to cite some illustrations, is preferred to detailed statutes which attempt to anticipate all possible problems and then requires legislative action subsequently for adjustments to any new situation. Another example where librarians should join with other officials in a review concerns the authority to levy a special library tax, an authority which is made unrealistic by the 10 mill levy limit (Section 5705.06). The procedure to exceed this limit is awkward since it requires a two-thirds vote of the taxing authority, vote of the people, and is limited to a specific number of years unless the authority is part of a municipal charter (Section 5705.19). Also, the use of tax anticipation

warrants, which is apparently fairly common to general local government as well as libraries, is unnecessarily expensive and could probably be minimized by procedural changes in the general budget and tax laws.

Relation to School Mergers. A point of concern with many libraries is the effect of mergers of school districts on the organization of library service. The law is not entirely clear as to how library boards are to be changed or integrated when one or both of the merged districts is providing public library service, and reorganizations are being effected with the guidance of attorney general opinions. This method is fairly common when rapid change is occurring in the boundaries of governmental districts and is not alarming in itself. If the present reorganization laws for school districts are considered final, library officials should propose clarifying amendments in consultation with school officials. No specific recommendations are made here since there are several equally valid ways to resolve the present statutory lacuna, and the procedures should conform as nearly as possible with other similar municipal laws.

If, on the other hand, the reorganization of school districts is not considered final, library personnel should work closely with school officials to insert clarifying language in future amendments to school laws. The important thing to remember is that as long as school districts are considered to be a proper agent for providing public library service, the statutory procedures for reorganizing libraries should, in the interest of simplicity, follow as closely as possible those procedures applying to the reorganization of the merged school boards.

Association Libraries. There has been some interest among librarians to make the present basic library laws apply to association libraries, particularly with regard to general organization and powers. Such a move has considerable merit and has been proposed in a number of states with a large number of these associations, but the efforts have generally not been very successful. Despite the obvious advantage of uniformity, the feeling most commonly expressed is that it is not essential at the outset to the development of a statewide program of library services and consequently is not worth the personal conflicts likely to develop from changing long standing local procedures. This writer believes that this situation is characteristic of Ohio. The more realistic approach is to propose changes in association libraries in relation to specific needs of any new program and as the program is implemented.

Recodification. Special note must be made of the recodification of library laws because of an interest expressed to make this a major feature of a new library program. As the foregoing discussion implies, this action should only be undertaken if a new library program is formulated which cannot be implemented under existing statutory authority. Recodification which merely restates the present law with some detailed changes seldom produces the results anticipated by its supporters and usually produces as much uncertainty as before.

On the other hand, corrective legislation as illustrated by some of the previous examples is always needed on a continuous basis as new situations require adjustment in existing procedures and is nothing to be alarmed about. This corrective legislation should be carefully planned, though, and presented

to the legislature as a package which is clearly related to the attainment of an overall goal. There is some evidence that proposed library legislation in recent years has lacked this overall direction and as a result has caused legislators to wonder why some legislation was as important as the supporters of library service argued. All library problems cannot be answered by legislation unless it is desired to make the legislature the final decision maker in library matters.

INTANGIBLE TAX

By far the most important issue in Ohio library service is financing. Ohio libraries are unique in that their major source of revenue is from an intangible tax that was enacted into law by the legislature more than three decades ago. Although libraries do not receive all of the income from the locally collected intangible tax in some counties, and none of the state collected portion directly, the preferential treatment accorded libraries in allocating the tax in both statutes and court decisions makes it have many of the characteristics of a dedicated tax. Indeed, many library people (board members, friends, and librarians) think of it as "dedicated" and argue strongly that all of the locally collected revenues from this tax "belong" to library development.

There is no need to recount the history of this tax since it has been documented well in several reports, some of the best being statements of the Ohio Library Association and its tax consultant. As one reviews the historical events leading to the passage of the enabling legislation and the early legal struggles in the courts, there is no doubt that there were many

valid and persuasive arguments to support this method of financing. Without a doubt, for example, it has aided local library development in all sectors of the state, and in some of the more wealthy communities in particular it has assured them a stable source of income for long range planning of programs and support of capital improvements and expansion. On a statewide basis, for example, the intangible tax produced an average of $3.11 per capita for library services and allowed a number of communities to exceed in expenditures the published national standards.

In recent years, the soundness of this method of financing has been questioned. A few librarians have been among the questioners, but the majority have been persons concerned with other municipal services and general tax equity and the payers of the tax. Although desiring to retain the intangible tax to finance library services, both the Ohio Library Association and Ohio Library Trustees Association have recognized that some changes in the present system, such as improving collections and closing gaps, are necessary to assure continued growth of library programs.* This questioning is highlighted by the Ohio Tax Study Commission's use of the word "anachronistic" in discussing library financing in its recent report and by a later recommendation of a special House of Representatives select

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*For example, "Financing Public Library Services in Ohio: Past, Present, and Future," Stanley Bowers. Ohio Library Association. n.d.

committee on tax revision to abolish the preferential allocation for libraries.

Librarians, library boards, and friends of the library are, therefore, at the place where they must re-examine their positions and determine whether the present tax structure can continue to be defended. The specific arguments they must consider are:

First, some students of public finance argue rather forcefully against dedicated and special fund taxes, except for capital improvements, because of the rigidity they foster in financing and budgeting resources for local services.* The challenge is very strong with regard to the larger urban areas which are faced with the problem of planning and developing an entire region with insufficient local revenues.

Second, the equity of the intangible tax itself as the single or major source of revenue for one service, and when collected on a county basis, is questioned because it almost inherently produces large revenues for some localities and causes poverty in services in other areas. In modern society, intangibles have a situs which often coincide only accidently with the need for a public service. One sees this inequality immediately in library financing in Ohio where in 1965 the per capita intangible tax collections varied from 57 cents in one county to $8.13 in another one. The "57 cent county" allocated 100 percent of the intangible to libraries whereas the second one only allocated 82 percent, but this 82 percent still amounted to more than

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*For example, see the discussion on earmarked taxes in Modern Public Finance, B. P. Herber; Homewood: Richard D. Irwin, 1967, pp. 324 et seq. Public Finance, A. M. Sharp and B. F. Sliger; Homewood: The Dorsey Press, 1964. p. 51.

$6.40 per capita. Nine counties, with an aggregate population of more than 197,000 had less than $1.00 per capita for library services from the intangibles tax. In seven of these counties, the full tax was allocated to the libraries. In the other two the allocation was 63 and 77 percent, but in both cases a 100 percent distribution would have still produced less than $1.00 per capita.*

It might be argued that added sources of revenue could be used by some of the counties, such as partial reliance on the general property tax as authorized by the legislature. However, where a dedicated or preferential allocation of one tax is used, there is usually public resistance to supplementation, and supporters of other public services in particular argue against the inequality in level of programs that might occur. This reluctance to use added revenue is evidenced in part in Ohio by the fact that in 1966 only 13 libraries received added support from the property tax, and in most cases the amount was minor. Probably more important for Ohio is that the counties with low intangible revenue tend also to be the poorer counties in general and could not raise much added funds even if desired.

Third, some of the general discussion about the intangible tax has been fostered by the fact that as now collected (and at the present rate) it is thought to be too restrictive for future expansion. The Ohio Library Association, as an illustration, noted this in the report cited earlier and also

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*"Financing Public Library Services in Ohio: Past, Present and Future," Stanley J. Bowers. Ohio Library Association. n.d. The 1966 Ohio Directory of Libraries shows 13 counties below the $1.00 level, but a slightly different method of calculation was used.

pointed out quite accurately that the "revenue from all intangible taxation has remained relatively stable for the past 5 or 6 years increasing only about 4 or 5 percent a year, a rise that does not match the effects of inflation, population increases, and rising costs." While an inadequate tax base for one type of taxation does not necessarily mean it should be abandoned, as the Association concludes, the inadequacy usually causes a reassessment which may or may not lead to basic changes in the revenue structure.

In short, the Ohio system of library financing (a) provides on a statewide basis considerable revenue for library services, an average of $3.11 in 1965; (b) causes inequities in the level of support among the counties, some having less than $1.00 per capita as compared to others with more than $4.00; (c) is being criticized increasingly on the grounds of general tax inequity, relationship of tax revenues to actual needs, and maintenance of one public service at a high level when others are in greater need; and (d) shows some evidence of being inadequate as now administered to meet the demands for future expansion.

Regardless of one's position on the intangible tax per se, a library program in Ohio to meet the demands of the next decade will undoubtedly require some changes in the present system. The exact form of the changes should be developed by the citizens themselves and therefore are not stated in this report as formal recommendations. Several alternatives can be noted to show the possible approaches.

a. Libraries poor in intangible tax money could be aided by requiring a sharing of this source of money on a regional basis, with regions being drawn to reflect as nearly equal

per capita revenue as possible. This would require, in effect, a regional library system with money being allocated to libraries in the region on the basis of some formula which measured relative need. The Kansas regional plan has some of these characteristics in that the regional system itself has taxing authority.

b. Some of the state collected intangible tax could be allocated to library service and distributed to the counties or individual libraries as added state aid in accordance with need. Under this arrangement, libraries would be bonding themselves even tighter to the intangible tax and would have to accept both the advantages and disadvantages. This solution would realistically probably preclude any added funds from other tax sources for many years in the future. This solution, also, would be difficult to sell because the state collected intangible tax is now used for other programs which would be financed less adequately unless other tax revenues were found.

c. General state aid could be increased and the funds used first to equalize local revenue on a per capita basis. Any amount remaining could be prorated to increase general services. This approach would allow the legislature to be active in library decision making through appropriations, would state more clearly that library development is in a large measure a state responsibility, and would permit relatively rapid adjustment to new needs if such could be demonstrated. For at least the short run, increased state aid would also cause the least threat to or disruption of the existing financing of the above-average libraries.

d. The local intangible tax could be collected by the state, and then returned to libraries according to a formula. This procedure would certainly reduce inequities, and probably make it easier to collect some of the tax which some people believe is evaded as a result of local collection. Distribution would presumably be according to a formula which reflected need as well as situs of the property being taxed.

e. A complete break could be made with the present funding system with the librarians and local boards lending their support to broader-based local tax revenues in which they would share. If there was a real concern about libraries not receiving proper proportion of these revenues, provisions could be written into the law (1) assuring libraries of a base support, or (2) giving library boards certain freedoms in setting their budget, or (3) providing for an appeal procedure

to the state and to the public.

Other alternatives could be cited. However, before resolving any fiscal problems, the kind of library program needed and desired by Ohio must be agreed upon. If the status quo is not adequate, librarians and library boards should assume the responsibility to explore the effects of the kind of alternatives noted above so that the public and legislature will have adequate data on which to base a rational decision. As is noted in the last section of this report, the studies should be in cooperation with other local officials because libraries and other local governmental units have many common aims. Whatever change is proposed will be difficult to implement because some libraries have apparently built ongoing programs and engaged in long range capital improvement programs on the assumption that the present method of financial support would be continued.

CRITERIA FOR STATE AID

Whether or not state aid is increased, the legislature should adopt an enabling act setting forth the general criteria for distributing the current appropriations. This recommendation in no way implies poor judgment either past or present by administrative officials, but is merely a recognition that allocation of state grants involves some policy decisions in which the legislature should participate.

LOCAL BUDGET COMMISSION

As noted previously, Ohio has basically sound laws with regard to supervising the fiscal practices of local units of government. One of these controls is somewhat unique in that it provides for coordination and control of local financing by a budget commission composed of the

county auditor, prosecuting attorney, and county treasurer. In certain situations, two elected members may be added to the board for distribution of the local government fund (Section 5705.27). The powers of the commission as stated in Section 5705.32 are broad, and in the case of libraries it has the specific authority to determine need in the distribution of the intangible tax: "The Commission may fix the amount of proceeds of classified property taxes, collected within the county, to be distributed to each board of public library trustees which has qualified under section 5705.28. . . based on the needs of such library for the construction of new library buildings, parts of buildings, improvements, operation, maintenance, or otherwise, and notwithstanding that other methods of financing such needs are available . . ."

Standards of Needs. While this type of commission has merit in theory, its operation in Ohio vis a vis libraries has two apparent deficiencies, both of which have been noted by various groups in the past. One is that there are no statutory standards for it to follow in determining (a) when the total library needs of a county are met and (b) which libraries in a county have a greater or less need and are therefore eligible for a larger or smaller allocation from the intangible tax collections. In a number of counties, libraries receive all the tax, but there are enough exceptions to suggest that different budget commissions interpret their responsibilities differently. For example, in 1965 the State Library reported that in 14 counties the distribution was less than 60 percent but in 15 counties the full 100 percent of collections was made available to library services.

Although several court decisions and attorney general opinions indicate that the spirit of the law is that libraries should have a preferred claim on the intangible tax, the decisions do not make the allocation to libraries a ministerial duty of the commission, i.e. a "bookkeeping" or clerical distribution over which they have no discretionary authority. Instead, the commission may exercise judgment as to any one library's need, or the collective need of all libraries in the county.*

The statutes should state clearly (a) whether this need is a relative one to be determined by comparing library service to other local programs, or (b) whether need is to be determined in accordance with standards (such as those adopted by the library profession), or (c) whether need is to be related simply to the ability of a local community to profit by each added increment of library service. Obviously there could be markedly different answers in each of these illustrations. The state has a direct interest in how divisions are made and what standards are used as long as it appropriates state aid and authorizes receipt and expenditure of federal grants for local library development. Also, to the extent libraries are a part of the total educational system, all people in the state have an interest in the quality of services in the various communities and should be assured that local resources are used in the most effective manner. While setting standards in the law removes some discretion from a

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* See for example, Attorney General Opinion No. 5954 (1955) and County of Montgomery v. Budget Commission of Montgomery County, et.al. 160 O.S. 263.

budget commission, the advantages more than offset any loss: allocations would be easier to make, particularly among competing communities; library personnel would have guides in preparing budgets and developing programs; and the public would know better how and why public funds were being expended.

Local traditions and aggressiveness by the library boards and librarians seem to be the major determinants of how much of the intangible tax is actually allocated to libraries. In short, in the absence of a clear statutory statement, the complex local political process must be followed in decision making. Although a library board may appeal a local commission's decision to the State Board of Tax Appeals, such action is rare and moreover is not an effective way to resolve the local differences of opinion in the use of tax funds.

Membership of Commission. Some of the resentment expressed by library personnel, past and present, against the local budget commissions could be minimized if the membership of the commission was enlarged to include representatives of other municipal subdivisions, including library boards. On a theoretical basis, there is no reason to limit membership to county officials since the county itself is not responsible for direct administration of all the services for which the commission approves allocations. Moreover, it can be argued from a theoretical point of view that the treasurer and auditor should not make policy decisions on allocations since they hold office in part to act as independent checks on the performance of local officials and agencies. The recent Ohio Tax Study Commission

recognized the problem of current membership and suggested an equally valid alternative of a separate five member elected tax allocation board to replace the budget commission, the members to represent the (1) county, (2) municipalities, (3) schools, and (4) libraries, and (5) all other taxing units.

TERM OF OFFICE FOR TRUSTEES

The success of a library program depends as much on local leadership by a board of trustees as it does on the professional personnel who operate the library. What kind of board is best has been discussed for many years by persons interested in library service. Indeed, the issue is not unique to libraries because supporters of other public services which are administered in a similar manner have also been concerned about their boards.

Although there are no universally accepted formal standards by which to measure the adequacy of a board, there are some general guides: (1) representation of all segments of a community, (2) sufficient turnover to allow easy introduction of new ideas, (3) forceful leadership in explaining the library program to the community and then marshalling support in the community, (4) supervision of the administration of the library in such a way that the professional librarian has maximum freedom to develop a program in accordance with accepted standards and community needs.

In applying these four generalizations to Ohio, the survey questionnaire

indicates that it has a problem common to a number of states: A tendency for boards to be composed of older persons, with fairly long tenure in office, and with a selected economic and social background. Of the trustees surveyed, for example, nearly 50 percent had served on their respective boards for more than 10 years and 20 percent for more than 20 years. The pattern was similar in all sizes of cities and counties. About 65 percent of the board members were business and professional personnel, with only 3 to 5 percent being definitely labeled as religious or labor leaders. "Housewife "* and miscellaneous other backgrounds accounted for the remaining 30 to 32 percent. In terms of a division between men and women membership for the libraries reporting, 54 percent of the board members were men and 46 percent were women, but for the larger libraries (over 100,000 volumes) as many as 70 to 75 percent of the members were men. About 29 percent of the board members were over age 60, 61 percent were between the ages 40 and 60, and only 10 percent were under 40 years old. There was some indication from the questionnaires that many board members were not always regular attenders at meetings.

It would be preferable, and is so recommended, to change the present laws to provide for a uniform term of four years for trustees, and limit appointments to no more than two successive terms. Under the present law trustees of a county free public library serve six years; and for a

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* There is some indication that most of the housewives were economically and socially in the business and professional class.

school district public library, county library district, and regional library district the term is seven years. For municipal libraries, in contrast, the statutory limit is 4 years.

This recommendation for shorter terms is not a general criticism of present trustees because it is obvious from an examination of general library data that a number of them have labored diligently in the interest of library development in Ohio. One piece of evidence of this is the relatively high position of Ohio libraries in general, and the fact that nearly 90 percent of the members (according to the survey) are able to bring to library policy-making the benefits of broad experiences in a variety of community activities. In some respects, the present practice can be understood and perhaps even justified in past years as necessary in order to establish the library as an institution and because general public support in communities was often meagre.

In the last ten years, though, library service has changed so much that previous practices no matter how sound outwardly are not sufficient. Library service, for example, is much broader in that it is designed to assist all segments of society with numerous programs. All of the beneficiaries of these programs should have an active voice in as direct a way as possible in both planning and administering them. Young persons in particular must be given greater representation because of their growing numbers, because they are the major users of the library, and because of their potentially new views of library service. Representatives of

low income people and other specialized groups also have a special insight into the needs for library programs. Shorter terms are probably the easiest way to facilitate broader representation and a constant infusion of new ideas.

It is recognized that the length of office is a point of continuing controversy at all levels of government, although the general trend is to limit terms for appointive boards. Continuity and experienced leadership are obviously essential, and these are usually the product of long service. On the other hand, responsiveness to change and injection of new ideas are equally highly desired values. A balance is a four year term with one reappointment permitted so that a qualified person could serve as long as eight years.*

Regardless of what legislative action is taken, the representational pattern of library boards in the immediate future will be what present board members accept and recommend. In this sense alone, present boards will determine the future of library service.

SCHOOL SERVICE

In many states, and within the library profession in general, there have been numerous dialogues about the relationship of public and school library service. The relationship is important in particular where school districts

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* One of the leading textbooks in library administration discusses these problems quite well in terms of general library development in the United States. The authors recommend that a trustee should not serve longer than six to eight years. They also point out that in general retired persons are not good board members. (Practical Administration of Public Libraries. Joseph L. Wheeler and Herbert Goldhor, New York: Harper and Row, 1962. p. 58.)

sponsor the public library service because school boards too often dilute the public service in an effort to maintain a high level of direct classroom or teacher assistance. There are many ways in which the dilution may occur: The public library may be located in or near the school and away from the center of adult population users. The collection may have too high a proportion of items for the student and teacher or too many textbooks. Supplementary services such as record and picture collections may not be developed. The collection may be biased by not having some of the controversial adult items, and school librarians may constitute the core of the professional staff rather than public librarians. It should be clear that this diversion of service from one to the other or blending of the two is often inadvertent or the result of local pressures. Other things being equal, one would expect to see this difficulty in Ohio since the state law permits school districts to provide public library facilities. In 1966 the Ohio State Library reported more than 175 libraries of this type.

Recent writings and interviews indicate that there is an issue of this type in Ohio. Its full significance, however, is not known and could not be determined easily without a district by district review of each school and public library program. Undoubtedly, the intangible tax method of financing encouraged school districts to operate public libraries because of the possibility of charging some school library expenses to the public library budget and thus freeing some regular school district funds. Also, a good public library collection can supplement a poor school collection and thus in effect improve the overall quality of the educational program.

The easiest way to resolve this kind of issue before it becomes anymore serious is to enact a statute or adopt rules and regulations (jointly by the state library and education agency) which state standards of public library service. These standards could take several forms, some illustrative ones being: adopting special accounting reports for expenditures, requiring the employment of public librarians, allowing the public library to be located on school property only on approval of the state library and state education agency, providing more state consultation to these libraries for book selection, requiring that the library be open sufficient hours in evenings and on week-ends to meet community needs, developing special adult services, etc. Many of these standards would be pertinent for general public library development and, therefore, should not be considered as penalizing or criticizing those school districts that have assumed the responsibility for general public service. Instead, they should aid them in being sure that there is a balanced program which recognizes both student and adult needs.

CERTIFICATION OF LIBRARIES

Ohio law provides for the certification of county district librarians (Section 3375.47). Three items can be noted about the content and administration of the law. First, it is difficult to articulate the rationale for certification of only county district librarians. The original motive, to be assured that this type of library is properly supervised by a professionally trained person, was undoubtedly valid. From the viewpoint of general statewide development, though, an equally valid argument can

be made to either include all libraries or repeal the present law. Of the two alternatives, the former is of course preferred, particularly since there is general evidence on a national basis that states will become increasingly concerned with providing adequate and uniform or equal service in all communities.

Secondly, the writer understands that there are several acting district librarians and that such is not uncommon. Although it is sometimes necessary to permit a person to act in an official capacity even though not officially qualified, it is considered poor practice legally and professionally to have continuous exceptions. In all probability, the certification board should examine the qualifications it has established to see if they are realistic in terms of the labor pool from which recruiting occurs. If they are not, it would be both appropriate and desirable for the state itself to devote resources to recruiting qualified persons. If, on the other hand, the difficulty is the local library, corrective steps should be taken to resolve problems at this level.

If it is desired to expand certification, ideally the present certification law should be changed to provide for a direct gubernatorially appointed board with no ex officio member. Nominees could be recommended by the state library board. Gubernatorial appointment is commonly followed in professional certification and licensing for several very valid reasons. In the first place, licensing and certification are of direct public interest since the service to be performed is a public one. This method of appointment makes it easier to appoint general public representatives to

sit with the other professionals on the board. Secondly, certification and licensing should be administered in such a way that either the public or members of the profession have a relatively easy and clear channel to express their desire for changes and to effect them by new appointments to the examining board if necessary.

Again without any criticism of the present members, it is generally considered undesirable to name ex officio members to a certification board as the present Ohio law does. As library service develops, including increased state aid, there may be occasions when the state librarian will be in a general supervisory position over a local library. He should not participate in these cases in the certification of the librarian. Furthermore, making the librarians of the two libraries with the largest circulation board members ex officio implies that only these two will always be the best qualified persons in the state. These two librarians and two persons representing rural library work were undoubtedly provided for in the law to be sure there was proper balance between urban and rural interests. Such a distinction is less important now.

COUNTY LAW LIBRARY

Ohio, as does most states, provides for separate county law libraries. Their collections are for the most part modest in size and are considered to be solely for the use of the legal profession and public officials. Public librarians, as a result, have never concerned themselves with these resources; and where the situation seemed to warrant they usually acquire duplicate legal material for their own collections.

Although not directly a part of public library service, some comment about the law libraries is appropriate in this report because they do relate to the total library resources in a community. Ideally, county law libraries should be integrated in some manner with public library services by making them open to a larger group of people and/or providing for cooperative services between the two. In the medium and small counties, some type of formal integration or cooperation would have the effect of expanding the law collection and would relieve the public library of the necessity to acquire certain duplicate material in order to provide general public service. One easy cooperative step would be for the public libraries at the county seat towns to include space for housing the law collection whenever they undertake any capital improvement program. This arrangement need not impair priority of use by members of the legal profession, judges, and public officials.

No specific proposals for cooperation are included in this report since there are several alternatives. The most appropriate one will vary from community to community and should be developed on an ad hoc basis by the residents of the community and the directly interested parties. What is recommended strongly is that public librarians assume the initiative in arranging a dialogue with the trustees of law libraries and examine Section 3375.48 et seq of the statutes to determine what legislative action would be necessary.

RELATIONS WITH PUBLIC OFFICIALS

Librarians individually and collectively as a profession should undertake a program to re-establish amicable relations with officials of other

governmental units and their associations. An outsider is impressed when examining the governmental and fiscal structure of Ohio libraries by the verbalized discordance. The cause stems largely from disagreements on financing, but it has extended to other areas. Such a condition is indeed unfortunate from the public's point of view because all local units of government are financed from the same tax base and perform various services aimed at the total development and preservation of the community. All of them, therefore, should be coordinated; and all units of local government should assist the others in solving problems. Ohio local planning laws are one administrative device to facilitate coordination, but this alone is not sufficient and based on reports given to this writer are not too effective because some libraries have carried on capital improvement programs without first evaluating overall community development. Regardless of how these differences of opinion developed or the original causes, the time has arrived when a meaningful dialogue should be established. Library personnel should assume the initiative in resolving any disagreements, participate in all local planning, and assist other units of governments wherever possible.